ASSISTED LIVING REGISTRY PROJECT

Consultation Document 3
DISCUSSION PAPER ON COMPLAINT RESOLUTION PROCESS

WORKING DRAFT OCTOBER 1, 2003 – FOR DISCUSSION ONLY

BCHealthServices

Preamble

When an assisted living residence is registered, the operator of the residence agrees to deliver services in accordance with the assisted living health and safety standards. Compliance with standards is assured through a complaint resolution process established by the assisted living Registrar.

Who can make a complaint?

An occupant, or any other person with a concern, may make a complaint.

How will I know who to contact about a complaint?

Registered assisted living residences will be required to provide all occupants with information on the complaint resolution process and how to submit a complaint to the Office of the Assisted Living Registrar. In addition, the operator will be required to post contact information for the Registrar's office in readily accessible locations.

How can a complaint be made?

As the first step, an individual is encouraged to address any concerns with the operator or manager of the assisted living residence and attempt to work out a mutually acceptable resolution. If the issue remains unresolved, the individual may contact the Office of the Assisted Living Registrar with a complaint.

Complaints may be made to the Office of the Assisted Living Registrar by:

- telephone (a toll-free 1-800 number will be provided) or facsimile;
- regular mail or e-mail;
- completing the form provided on the Registrar's web site; or
- in person.

WHAT TYPES OF COMPLAINTS CAN BE ADDRESSED BY THE ASSISTED LIVING REGISTRAR?

The assisted living Registrar will be able to address three types of complaints:

1. Health and safety concerns – The complainant believes that the operation of a registered assisted living residence is placing the health and/or safety of an occupant in jeopardy.
2. Standards violation – The complainant believes that the registered assisted living residence is not operating in accordance with the assisted living health and safety standards.
3. Unregistered residences – The complainant believes a residence is providing assisted living services, but is not registered.

The Registrar does not deal with complaints related to:

- Tenure (the tenancy/rental agreement with the residence).
- Hospitality services, unless they relate directly to health and safety concerns. Hospitality services are meal services, housekeeping services, laundry services, social and recreational opportunities and a 24-hour emergency response system.

Approaches to addressing these types of concerns are being considered in the "Review of Tenure and Service Protection in Independent Housing" project being undertaken by the Ministry of Community, Aboriginal and Women's Services. If the Registrar receives complaints of this nature, they will be forwarded to the appropriate body for review and resolution.

As well, the Registrar does not deal with complaints related to the conduct of staff who work for the residence operator, unless they directly relate to occupants' health and safety, such as allegations of abuse or neglect. Conduct disputes would be addressed through the residence's internal complaint resolution process.

WHAT WILL THE REGISTRAR DO IN RESPONSE TO A COMPLAINT?

The following activities will occur in response to a call:

1. ***Determining type of call***: When a call is received by the Registrar's office, questions will be asked to determine the nature of the call. Some calls will be 'inquiries' that can be responded to immediately by providing the requested information. Other calls may be identified as 'complaints' that require follow up.
2. ***Logging and tracking calls***: All calls will be recorded in a 'call log'. If the call has been identified as a 'complaint', the complaint will be tracked. If the caller has requested follow up contact, they will be contacted with feedback once the complaint has been investigated.
3. ***Contacting the residence:*** The Registrar will notify the residence of the complaint, inquire about how the complaint has been dealt with internally and request further information. If requested and where practical, the complainant's name can remain confidential.
4. ***Identifying who needs to be involved***: The Registrar will determine if any other authorities need to be involved in the investigation of the complaint. For example, the police in the case of complaints about abuse. In addition, the Registrar will determine if the complaint should be referred to an industry body[1] to follow up and report back to the Registrar.
5. ***Determining if a site visit is needed***: The Registrar will determine if a site visit to the residence is needed as part of the complaint investigation or resolution process.
6. ***Evaluating information provided and conducting further investigation as required***: The necessary steps will be taken to ensure adequate information is available to deal with the complaint. All relevant information presented by the affected parties will be considered. This information will be evaluated to determine the most appropriate action.

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[1] The Registrar has broad powers to delegate. The Registrar may refer certain types of complaints to an assisted living industry 'best practices' body. That body would investigate the complaints on behalf of the Registrar and provide a report back to the Registrar. Where changes in practice at a residence are recommended, the industry 'best practices" body will undertake to educate, support and mentor the residence operator to make the necessary adjustments.

The majority of questions and concerns will be resolved by the Registrar investigating further, with the intention of providing information to the caller/ complainant or mediating a resolution to the problem, wherever possible.

7. ***Making a decision***: The Registrar will make a decision based on the investigation and analysis of the complaint. In the majority of situations, a mutually acceptable resolution will have been achieved at this point. In situations where a complaint is substantiated, and it either has serious implications for occupant health and safety or there is a history of complaints that gives the Registrar cause for concern about the health and safety of occupants, the Registrar may attach conditions to the registration. In extreme circumstances, the registration may be suspended or cancelled.
8. ***Communicating the outcome of the complaint investigation:*** Where a follow up report was requested by the complainant, the Registrar will communicate the resolution of the complaint to the person and, within the bounds of confidentiality, an explanation of the reasons for it. In the case of complex or sensitive issues, the Registrar's communication will be conveyed in writing.

How will the confidentiality and privacy of information gathered through the complaint resolution process be handled?

Protocols regarding the storage and retention of personal information, and other matters related to privacy or confidentiality, will be developed and managed by the assisted living Registrar.

What can a complainant do if they are not satisfied with the way a complaint was resolved?

If not satisfied with the manner in which a complaint was resolved, a complainant may present their concerns to the Registrar and request that the Registrar review the investigation of the complaint.
If the complainant believes the Registrar's office did not act fairly in resolving the complaint, they may contact the Office of the Ombudsman.

WHAT WILL THE REGISTRAR DO WITH INFORMATION COLLECTED ABOUT COMPLAINTS?

The Registrar will regularly review all complaints received to identify common concerns and recurring issues. Based on these reviews, the Registrar may:

- work with assisted living operators to develop strategies to address a type of complaint.
- update consumer information on assisted living.
- consider engaging in a process to adjust the health and safety standards for assisted living residences.
- report to the Minister of State for Intermediate, Long Term and Home Care.